

**MINUTES**  
**EXETER TOWNSHIP PLANNING COMMISSION MEETING**  
**NOVEMBER 1, 2006**

The Rescheduled Meeting of the Exeter Township Planning Commission was held on Wednesday, November 1, 2006 at the Township Hall, 4975 DeMoss Road, Berks County, Pennsylvania. John W. Bittig, Vice Chairman, called the meeting to order at 7:30 p.m. followed by the Pledge to the Flag.

**COMMISSION MEMBERS:** Donald R. Wilson, Chairman  
John W. Bittig, Vice Chairman  
John F. Ruff, Secretary  
Richard Littlehales  
Dottie Geiger  
Paul L. Schwartz  
Gary L. Shane

**OTHERS IN ATTENDANCE:** Craig Peifer, GVC Consulting Engineer  
Chris Hartman, Legal Counsel  
Cheryl Franckowiak, Zoning Officer  
Linda Cusimano, Recording Secretary  
Eric Gardecki, GIS Administrator

**1. MINUTES**

**MOTION BY** Mr. Ruff, seconded by Mr. Schwartz, to approve the minutes of the October 3, 2006 Planning Commission Meeting as presented. The motion carried unanimously.

**2. AGENDA**

**MOTION BY** Mr. Littlehales, seconded by Mr. Shane, to approve the agenda of the November 1, 2006 Planning Commission meeting as revised by moving the Zoning Ordinance changes to #2 and the removal of the Home Occupation and Premier Storage Units. The motion carried unanimously.

**3. APPROVE APPLICATIONS FOR REVIEW**

- A. **BERKSHIRE BANK – FINAL PLAN; WAL-MART SUPERCENTER #1777 – FINAL PLAN; EXETER GOLF CLUB ESTATES LOTS 53-54 – SKETCH PLAN OF RECORD; PREMIER STORAGE CENTER – SKETCH PLAN: MOTION BY** Mr. Ruff, seconded by Mr. Schwartz, to accept the preceding plans for review. The motion carried unanimously.

The following business was discussed:

4. **READING CENTRAL CATHOLIC HIGH SCHOOL – PRELIMINARY PLAN** – Henry Koch, Jr.  
- Robert Hanna  
- Florin Carjan  
- John Maurer, Jr.  
- Mark Kitzmiller  
- Todd Ostimchuk

GVC reviewed the Reading Central Catholic High School Preliminary Plan (reference letter dated October 31, 2006).

Mr. Koch announced that Laura Cintron, court stenographer, was present and would be recording the proceedings based on previous meetings comments. Mr. Koch stated that they intended to request Preliminary Plan approval at end of the review discussion. He then stated that he was surprised that zoning item #1 was in the review as that issue had been directed to the Board of Supervisors. Mr. Hartman stated that he believed that the statement was simply in the letter stating that it had been directed to the Board and did not feel that it was inappropriate to be in the letter as an update only. Mr. Koch stated that they had indicated in all prior reviews that the Planning Commission had no jurisdiction on the issue. Mr. Bittig stated that the Board of Supervisors accepted the recommendation from Supervisors Barbieri and Ciotti two weeks ago and offered that direction. Mr. Koch replied that was not provided for in the SALDO. Mr. Bittig replied that he disagreed and that it was part and parcel of the Land Development plan and was a condition that was imposed during their Conditional Use hearing. They had asked for clarification and they had received it.

Mr. Koch stated that they would comply with item #18, SALDO, and comment #1 for sealing the plan would be complied with at Final Plan stage. For item #2, the water serviceability letter from PA American Water Company, Mr. Koch presented a letter to Mr. Peifer and Ms. Cusimano and stated that he believed it satisfied the Township requirements and Mr. Peifer agreed. Mr. Hartman stated that since they were taking such a deliberate approach with the court reporter, before we move on to another item, he would like Mr. Peifer to indicate that he either concurred with their statement or that Planning Commission would review the letter. Mr. Koch stated that the MPC stated that upon production of proof of serviceability letter it satisfied all the requirements.

Mr. Hartman replied that was their assertion but the reason he was seeking some additional discussion on that was because they had asserted that the Township's consultant had taken a position about what they submitted and wanted to be sure that he agreed with their position that the letter would suffice. Mr. Peifer stated that the letter did have the statement as required by the SALDO regarding serviceability, however, the portion regarding the fire demand flow rate and time period should be referred back to the Fire Marshal for his review.

Mr. Hartman asked if the SALDO required the Fire Marshal's report on that item? Mr. Peifer replied that it required his review of the plan. Mr. Hartman asked if there was a submission by the developer that was not reviewed by the Fire Marshal? Mr. Peifer replied that was correct. Mr. Koch stated that while the Fire Marshal reviewed the plans for the water system, the MPC stated what a water serviceability letter was. Mr. Peifer stated that his only point was that the letter was making a statement and in order for us to accept the letter in whole then the Fire Marshal needed to confirm that the flow rate was adequate for fire protection. Mr. Hartman stated that we were only accepting the letter for the water serviceability part of it; we were not accepting that letter as meeting the regulatory review requirement as it applied to the Fire Marshal. Mr. Koch replied that was acceptable. Mr. Koch then stated that there have been a lot of issues raised with the Stormwater Management Report submitted and also stated that the specifications for the basin berm did comply with 310.B.11 and that would be included in Schuylkill Valley letter. Mr. Koch called upon Florin Carjan regarding the report he

### **Central Catholic continued**

supplied to the Township and to show why they felt that they were in compliance with the regulations. Mr. Carjan stated that he spoke against infiltration at the October meeting; and stated that in his report he included the subsurface investigation and included test results of the permeability of the soil. It showed that they were dealing with shallow bedrock, a lot of pinnacles of limestone and low soil level. They could not infiltrate, as it would not allow the water to go through. He followed the guidance of the Stormwater Ordinance. He then asked about a B-4 and then referred to form B-7 and asked for clarification on that form. Mr. Peifer replied that they were one in the same, except one was in color. Mr. Carjan then discussed in detail the ordinance requirements and what they found on the site and stated that, because of the rock and soil formations, the site was not compatible for infiltration and shared detailed problems. He then stated that the determination was that infiltration was not acceptable. Mr. Bittig stated that he read BCCD letter and if they could not infiltrate they would need to do other BMPs and asked what they would do to comply with DEP's regulations. Mr. Carjan replied he could not make that decision, but they would address the best management practices. Mr. Bittig stated that he would like to pass on a document written by Tom Cahill. Mr. Carjan accepted a copy and stated that Tom Cahill was a guru on infiltration and it might be possible to infiltrate on carbonate geology; however, it must be analyzed on a case-by-case basis and asked to not get carried away with the issues. He then went into some detail about other situations regarding infiltration and Mr. Cahill's experience. Mr. Koch stated that their expert had studied the area extensively and they intended to accept their expert's testimony and findings and they would pursue BMPs, etc. Mr. Bittig raised the point in the report that infiltration was very expensive and then stated that they had bored test holes on the site. He then asked why they submitted a report that showed they only did 10 boring areas along the road. Mr. Carjan replied that that was all that were necessary and offered more detail and offered to submit the entire report with the client's approval. Mr. Carjan stated that he knew it would be an issue over which there would be fighting and opted not to share all information immediately. Mr. Ruff stated that he read the BMP manual provided by Cahill and he understood the problem presented by low soil depth, so he was on their side. Mr. Carjan stated that he worked on the practical side and was not attempting to b.s. anyone. He also stated that he firmly believed that practically they could not do infiltration on the site without paying a very heavy price. Mr. Hartman stated that he was looking for a better understanding of his experience and Mr. Carjan had mentioned several projects that were located on the west side of town and we were some distance from that on the east side of town. He then asked if he had any experience closer to the project in question as he was looking for experience with sinkholes or infiltration projects in our area. Mr. Carjan replied that any one who knew the geology knew that the carbonate geology was along the eastern portion of Pennsylvania. He then stated he was involved in the Boscov's East parking lot project with sinkholes, etc. Mr. Koch asked if he was ever retained by the Township of Exeter to work on sinkholes? Mr. Carjan replied that no, not the Township, but yes, he had a call from someone about the Farming Ridge tennis court issue. He stated that Exeter was wasting their time trying to fix that, as it would be very expensive.

### **\* Mr. Wilson arrived**

Mr. Koch stated that Stormwater comments #11, 12 and 13 were Final Plan issues. Mr. Peifer stated that he agreed. Mr. Koch stated that they would now discuss BMPs. Mr. Bittig stated that if they were going to use various structural BMPs in lieu of infiltration, had that information been submitted to Great Valley Consultants and the Township yet? Mr. Koch replied that all but one item, and that dealt with aeration. Mr. Peifer stated that there were calculations needed for volume of water that would be required for infiltration and would need to be treated by BMPs, and that item was missing from the report. Mr. Koch stated that Mark Kitzmiller from System Designs would address that issue. Mr. Hartman stated that he wanted the Planning Commission to consider that they needed to decide whether or not they were persuaded by information received about the candidacy of the

### **Central Catholic continued**

property for using infiltration or not and suggested if they were not persuaded then the BMP discussion would be irrelevant. He then asked if the Planning Commission wanted to hear the discussion before they made a decision regarding infiltration? He felt that we could not simply move on as if there had been a decision by Planning Commission and there had not been a decision. Mr. Koch stated that he understood that there had not been a decision; but wanted the opportunity to share the best management practices in light of the infiltration issue and how they would comply with the Ordinance with their alternative. Mr. Hartman asked the Planning Commission if they wanted to proceed on that basis? The consensus of the Planning Commission was to proceed. Mr. Koch stated that they were now dealing with BMPs as an alternative to infiltration and would offer the flood plain issues later, as they were not completely related. Mr. Kitzmiller stated that he was not a structural engineer, but he was a Stormwater Specialist for 20 years. He then stated he had the calculations that Mr. Peifer stated were missing from the report. They were in relation to Section 305.c of Ordinance that stated, if infiltration was not proposed, the calculated infiltration volume would be treated by an acceptable BMP. They had nearly 5 acre-feet of water quality volume available within the basins. Water quality volume was required by using either recharge volume in lieu of infiltration or water quality volume, which was another calculation in the report. Neither of them exceeds 2.2 acre-feet. The BMP they were proposing was a stormwater management retention basin with an over excavated bottom with a storage sufficient not only to manage detention to meet the pre versus post requirements of the ordinance but also sufficient volume below the outlet to retain water in the clay lined basin along with retaining water also to allow settling, mixing and to aerate for water quality. The basin had sufficient volume as calculated. They were looking at putting in aquatic shelves and various items that you would see in the BMP manual in Section 6.6, which dealt with water quality runoff reduction. That was what the pond was intended to do. In lieu of infiltration they were going to clean up the water the best way possible. Mr. Koch asked him to explain about the aeration. Mr. Kitzmiller replied that they would do that in the basin, which would provide a certain amount of evaporation and mixing. They would put in about three fountains in the main basin in the front. Mr. Shane asked if there was any more specific information on the shapes of the structures? Mr. Kitzmiller replied that they were dealing with the Conservation District about contouring bottom of a peanut shaped basin with aquatic shelves and safety zones. The Township required a 4' depth in the Ordinance. The main basin comprised of two parts on one side of the property with a permanent pool in the bottom of the basin with a 4' depth with certain zones and pipes to provide protection. Mr. Shane asked if the water would be retained and the basin filled with water most of the time. Mr. Kitzmiller replied yes, it was the intent to have water in there at all times. He then stated that they're going to establish an ecosystem with natural predation for mosquitoes and would discharge the basin at same location as current 15" twin pipes. Mr. Hartman asked if the two areas functioned as a single pond? Mr. Kitzmiller replied yes, there was a pipe connecting the two ponds that would equalize them. Mr. Hartman asked if there would be aeration on both sides? Mr. Kitzmiller replied that there would be three locations for the fountains, equally spaced in the basins. Mr. Shane asked if they would be lined? Mr. Kitzmiller replied that they would be clay bottom ponds, as they wanted to prevent sinkholes. Mr. Koch stated that they have submitted a second addendum to the report that indicated what the specifications for that liner were and how they complied with the Ordinance. Mr. Littlehales asked if there would be any physical connection between the ponds and the creek? Mr. Kitzmiller replied no, they were completely isolated. Mr. Schwartz asked what the normal depth of the water would be in the ponds? Mr. Kitzmiller replied that they would be about 4-ft., but they would like to have a variation. Mr. Koch stated that a comment in the letter indicated that the word "treat" was necessary to be accomplished and at one point it mentioned "treat" which they did and then later talked about reducing the flow of water. Mr. Peifer stated infiltration requirement was determined by volume not flow rate. Mr. Koch stated the Ordinance stated that treatment was an acceptable standard, not just a reduction of volume. He then stated that page 6, comment #1 talked about reducing the volume, and the ordinance only required treatment of volume. Mr. Bittig replied that

### **Central Catholic continued**

there was also a runoff reduction requirement in the ordinance. Mr. Koch replied rate not volume, and they agreed with that. Mr. Littlehales stated that he wanted to point out that with the property being used as agriculture they would need to pay particular attention to the nitrates already in the ground and that they would need to control the effects of agricultural compounds thru grasses that could be planted or via aquatic plants.

Mr. Schwartz asked about safety issues concerning the basins since we don't generally entertain or have wet ponds because of liability issues, specifically what were they proposing to do? Mr. Kitzmiller replied that they considered a type of invisible fencing with filament that was a barrier that was physically seen but was more for geese and waterfowl but could be penetrated. He also stated that the side slopes of the pond would be walkable so it would not be unsafe. Mr. Littlehales asked what would stop a driver in the parking lot from driving into the pond if they hit the gas instead of the brakes? Mr. Kitzmiller replied that there would be 7 or 8 inch curbing all around the outfall. Mr. Hartman asked about the roadside of the pond? Mr. Kitzmiller replied that the berm raised about 2 to 4 feet above Ritters Road and all parking lot runoff would be caught in inlets. Mr. Hartman asked about the comments concerning volume and treatment, and if it was their position that the BMPs were not reducing volume, and then asked for clarification. Mr. Koch stated that the words reduce the volume was the concern in that the experts would not be able to say that reduction by aeration was going to be substantial.

Mr. Hartman clarified that there would be some reduction in volume because of the use of BMPs, but they did not expect them to be substantial. Mr. Koch replied that was accurate. Mr. Bittig asked what the peak outflow rate would be from the basins? Mr. Maurer replied that they would range from 7½ cfs from a two-year storm, up to 24cfs in the 100-year. Before treatment the predevelopment flows to the pond were 18cfs for the two-year and 44cfs in the 100-year storm. Mr. Bittig stated that exceeded the capacity of the existing pipes and they currently got overloaded, in part, because of the Owatin flooding, the combination of surface water runoff from the site and flood water from the Owatin Creek over-burdened the pipe system and ran over the road. They were proposing to replace the two existing 15" pipes (with a 6" head) that gave them 8 cubic feet per second capacity, total. Mr. Maurer stated that they planned to replace those with bigger and deeper pipes, which would correct the problem. Mr. Bittig stated that would put a higher volume of water on Mr. Bausher's property. Mr. Kitzmiller replied that the ponds would be able to choke back the addition to those pipes. There would be two 18" pipes and they would not be increasing water on the Baushers property. Mr. Bittig stated that if they would be increasing the water onto the property they would need to deal with Mr. Bausher. Mr. Koch stated that they have satisfied the comments in the ordinance. Mr. Koch stated that Mr. Bittig brought up about the neighbor and they were prepared to discuss improvements to be made along Ritter road that would all be accomplished within the R.O.W and there would be no need to go on the neighbor's property and, therefore, with respect to comment #26, no easement would be necessary. Mr. Peifer stated that with that statement, he did not think the new end wall could be immediately adjacent to the cartway. Mr. Maurer replied that it would be at least 3-ft away.

Mr. Peifer stated that it would need to be a minimum of 4-ft away from cartway. But the comment would stand until they got approval from the Berks County Conservation District. Mr. Koch stated that with the Flood Plain Issues, the information on the swales was submitted to Great Valley today. Mr. Peifer replied that it was submitted around 4:20 and had not yet been reviewed. They would also need to submit the entire E & S report. Mr. Koch responded to comment #40 about the catch basin shown on sheet 18, stating they would clarify by putting that on the plan view. Mr. Koch responded to comment #41 by stating they would remove that from sheet 18.

Mr. Koch stated that the next issue was the Traffic Impact Study and they felt they were Final Plan issues and would be part of the HOP. They had received no cooperation from Exeter School District. He then stated that Item #18 was a Board Issue, not a Planning Commission issue. They would go back to the Board of Supervisors to look for a waiver if required. Mr. Bittig stated about item #17 and #19 that they did go hand in hand. Most

### **Central Catholic continued**

of the traffic recommendations in the study dealt with PennDOT and TPD had noted two intersections closest to the school because it affected the residents and the school. Their excellent analysis stated that, without improvement and adding school traffic, it would drive the levels of service to failed conditions. Unless they would have PennDOT's commitment to fix those roads/intersections in the next 12 to 24 months, it would not be a good deal. Mr. Koch replied that they have been trying to pursue the remedies with PennDOT and intended to do that and asked if the Township would join the effort. When they had the Township join them, it would give them more credibility. They felt it was in the best interest with the Township and their clients to try to solve the issues on a cooperative basis. Mr. Bittig stated that Shelbourne at Gibraltar Road and Shelbourne at Rt562 were critical intersections and wanted to note that, under Mr. Koch's guidance, sworn testimony at the Conditional Use hearing last November was given by their expert witness, Mr. Bogia. Mr. Bogia offered expert testimony that the project would not generate traffic such that was hazardous or that unduly congested conditions would exist. That was in the record and was one of the conditions that was taken into consideration when the Board of Supervisors granted Conditional Use. He then stated that if they could not get the intersections fixed, he believed they would be in material breach of the Conditional Use. Mr. Koch stated that he understood the merit of comment, that they were aware of the conditions imposed and that they fully intended to comply. Mr. Bittig wanted to address item #19, in the review letter that stated: widen Ritters Road along the site frontage to Township standards in order to accommodate the additional traffic generated by the proposed development. We asked them to do this some months ago and were flat out refused. Mr. Bittig then stated that we were looking for the developer to widen the road, relocate the curve and take it to 24-ft. The plan showed the existing 20-ft cartway with no improvements, except through the curve. Dr. Hanna stated that they would widen Ritter Road along their site in its entirety. Mr. Koch stated that the road would be widened on one side and not the other. Mr. Bittig stated that they could widen it entirely on their side, as it was a safety issue. School buses were 8-ft wide plus another 1½-ft for mirrors so the current width of the road was a safety hazard for the students and staff. The road would have to be improved to serve the project, but the road could stay as it was without adding any additional traffic. Mr. Hartman asked why the developer would not widen both lanes within the Township R.O.W.? Mr. Ostimchuk asked how that would be done, with the R.O.W. being 33-ft.? Mr. Hartman asked what cartway width would be required for the full length? Mr. Peifer replied 24-ft. Mr. Bittig stated that was PennDOT's standard and that would be safe for all vehicles. Mr. Hartman asked if the developer looked at providing the 24-ft cartway? Mr. Koch replied, not at this time. Mr. Ruff stated that he wanted to add that we had a memorandum from the Fire Marshal that recommended the roadway be widened to 24-ft to accommodate emergency service vehicles. Mr. Koch stated that the recommendation that the road be bonded and they did not feel that was proper for land development and they would address that with the Board of Supervisors.

Mr. Schwartz stated that the important question was at the end of #19 for the time frame. When we gave Preliminary Plan approval for Wal-Mart's expansion, we required at least a concept plan for what was going to be done with the major intersections and the road improvements that they were contemplating. We also asked for a preliminary ok from PennDOT for the concept. We did receive those items from Central Catholic. We would expect the same from them. He then asked at what point were they prepared to do that? Mr. Koch stated that was a valid point and would get back to the Planning Commission on that issue. Mr. Schwartz stated that he remembered reading somewhere that the Board empowered GVC to represent us in their discussions with PennDOT. Mr. Peifer stated that was with Wal-Mart. Mr. Bittig stated that it would be worthwhile to do the same for this project. Mr. Hartman asked them about a timeframe that was previously mentioned; did they have any idea for that? Mr. Koch asked if we could get the Township to allow GVC to attend a meeting with PennDOT they would try to set up a meeting as soon as possible to discuss the concept issue. Mr. Peifer stated that typically someone from the Township would also attend. Mrs. Franckowiak stated that she would talk to Troy and get Board authorization for that.

### **Central Catholic continued**

Mr. Koch stated that the HEC RAS information was omitted as they thought it wasn't necessary because they did hand calculations, but as it was requested they provided that information today. He then stated that item #2 and 3 would be provided. Items #4 & 5, they would comply. Item #6 they had complied with and they would need to fix one item. Concerning Item #7 & 8, they were technical issues and would be addressed by John Maurer, Jr. Mr. Maurer stated that when he met with Mr. Peifer at the Township on October 6, he provided calculations that have since been revised and would provide those to Mr. Peifer. Under the existing conditions, all surcharge goes down the west side of Ritters Road and almost all of that sheet flowed across the road into the fields along the east side before it gets to the low point. Their calculations show that in the predevelopment condition only 6cfs from the Owatin creek surcharge reached the pipes under Ritters Road. He worked on redesign to choke off the swale to allow only 5cfs to reach those pipes (post development). Mr. Peifer asked if that was in their new calculations? Mr. Maurer replied yes and then stated that they put them in larger scale and in AutoCAD.

Mr. Peifer stated that one thing that should be mentioned to be part of the record was the Road Masters comment that many times per year the intersection of Ritters Road and 562 was closed on account of flooding and snow drifting. Ideally it would be great to make that problem go away and he was sure that the school would want that fixed because that would become an unknown during heavy storms as to whether school would be open or closed. He then stated that, in lieu of eliminating the problem, we ask that a note be placed on the plan that the church acknowledged that Ritters Road could be closed due to flooding or snow drifting. Mr. Koch replied that it was a natural occurrence, the school was aware of it, and they felt it did not belong on a Land Development plan. From a liability standpoint they acknowledged that it happened, but did not see the need to put it on the plan and were not aware of any provision in the ordinance requiring that. Mr. Bittig stated that SDE projected that the Owatin Creek surcharged five or six times per year and the Township Road Superintendent stated that typically we would barricade the road three times a year on both ends. Mr. Bausher stated that it floods out 4 or 5 times a year. It was important that they acknowledged that condition on paper, as it needed to be memorialized. Mr. Koch stated that they could do that, just not on the plan. Mr. Hartman asked Mr. Peifer what would be the improvement, needed to remediate that existing condition? Mr. Peifer replied it would mean major permitting by DEP and changes along Ritters Road down to Rt562. It would not mean simply providing a bigger pipe under Ritter Road; it was a lot more involved than that. Mr. Hartman stated that his concern was that the road system serving the development had to be adequate for the intended use of the property. He was wondering if it was, with the problem as it had been described was not something that was compatible with the intended use of the property. If the school was comfortable with proceeding, the memorialization should include a release of liability for the consequences of the existing conditions and that the school was voluntarily accepting that as the "status quo". Mr. Koch stated that as far reaching as that was, he would not recommend that the church did that. If the church acknowledged that the condition existed, yes, they could do that. Mr. Hartman asked if there were any improvements that could be undertaken within the R.O.W. of the road as it fronts on the project property, in conjunction with the adjacent land of the applicant that would make the road passable under all conditions, was that something that was achievable? Mr. Peifer replied that it hadn't been studied to determine that. Mr. Bittig stated that SDE could probably make an assessment of the feasibility of that as they already did all the work, what the grades were, the water depth, etc. Could the water going through the swale on the west side be run into the detention ponds as a holding area? Mr. Maurer replied that he investigated re-routing some of the water through the pond and found that would not work. He then stated that they could have discussions with the Township and Mr. Peifer concerning that. Mr. Koch asked if the Township would be interested in helping solve that problem from a financial standpoint? The Planning Commission agreed that would be an issue they would need to take to the Board of Supervisors. Mr. Maurer stated that at the low point where the two twin pipes ran under the road, the existing predevelopment conditions in the 100-year storm produced a total of 50cfs congregated at that low point. 44 cfs was just from the natural run-off from the site and

### **Central Catholic continued**

that was what caused the major flooding at that point. 6cfs came down along the west side of Ritters Road. In the Post Development condition they were keeping the surcharge from the Owatin Creek to about 5cfs. The detention pond outflow would be reduced from 44cfs to 29cfs. It would be a 40% reduction. Mr. Koch stated that they would have the use of the second access for the school in case of flooding. Mr. Bittig stated that was also a concern on whether that secondary access would be amenable for the bus traffic. Mr. Maurer replied that they have increased the turning radius on the south driveway to accommodate buses going in and out. Mrs. Geiger asked why they didn't run a straight road up from Rt562? Dr. Hanna replied that they would then exceed the impervious coverage limit.

Mr. Schwartz asked for clarification about the comment on page 4 concerning the non-applicability of the lighting ordinance and was hoping that they would go with the original plan as previously discussed. Mr. Koch stated that they would go with original plan that Mr. Bush had provided.

Mr. Schwartz stated that on the list of the unapproved subdivision deadlines, the date on the Central Catholic plan was 12/03/06 and we did not meet again before that date. We did not have a time extension for the plan; therefore, in order to cover ourselves would like to make a motion.

**MOTION BY** Mr. Schwartz, seconded by Mr. Littlehales that without a time extension we recommend the Board of Supervisors reject the plan based on the October 31<sup>st</sup> review letter and the items listed there.

Mr. Koch stated that the purpose for tonight was recommendation for conditional preliminary plan approval subject to the conditions the Board felt would be appropriate based upon items discussed. They would ask for the conditional approval upon satisfactory resolution to the items discussed. Mr. Hartman stated that there were a lot of items that were discussed that still needed to be submitted and reviewed and that they stated they would satisfy the Township Engineer but had not yet been reviewed. He then asked if they were really going to gain any speed in review of Final Plan in pushing the Planning Commission for Conditional Preliminary Plan approval. Mr. Hartman stated that the Planning Commission might be more comfortable with having it's engineer review those items which have been promised to be provided and giving a cleaner review letter to the Planning Commission before there was a Preliminary Plan approval granted. He then stated that he understood that their client, like every applicant, was eager to proceed with their project, but was not sure that they were really gaining any meaningful acceleration by getting Conditional Preliminary Plan approval with so much still outstanding. Mr. Koch stated that there were very few bold point issues. The issues discussed really related to engineering issues and stated that they felt it was ripe for Preliminary Plan approval. Mr. Bittig stated that he would like to add things to the list of items that were not resolved: 1) Landscaped sound barrier berm, and whatever agreement they reached with the Board of Supervisors must be placed on the plan. 2) The very recent alternate BMP submission needs time for GVC to review and assess and to get back to the Planning Commission. 3) The plan needed to incorporate widening of the road to 24-ft across the frontage 4) The Fire Marshal comments need to be resolved. Mr. Koch stated that they have the Fire Marshal comments resolved. Mr. Bittig continued with the list; 5) We need PennDOT commitment to fix the intersection problems. Mr. Koch stated that the PennDOT issue was a final plan issue as was stormwater and E & S control. Mr. Bittig replied that BMPs were needed now. Mr. Schwartz stated that PennDOT was a final plan issue however; we should see a preliminary concept with PennDOT's blessing. That would be needed before we could give preliminary approval. Mr. Koch asked if they could have that as a condition for preliminary approval? Mr. Schwartz stated that it was a big issue and did not think it would get past the Board of Supervisors. Mr. Wilson stated that he was

### **Central Catholic continued**

opposed to conditional approval, especially on a plan of this magnitude. He then stated that the motion was on the floor, made and seconded, could we have a vote? Mr. Koch asked if they could hold for one minute.

Dr. Hanna asked what it was they were looking for from PennDOT? Mr. Schwartz replied that there were two critical intersections that we discussed, Rt562 at Shelbourne Rd. and Gibraltar Rd. at Shelbourne Rd. We needed resolutions from PennDOT or at least a commitment to a conceptual design. Mr. Bittig added that we needed a commitment that those recommended improvements would be put into place by the time the school would be in. Dr. Hanna replied that in their traffic study they stated clearly the improvements that they would do and they would do prior to opening the school. Mr. Bittig stated that their traffic study had a lot of recommendations. Dr. Hanna replied that those recommendations did not all fall on them. Mr. Bittig stated that that was the problem. Dr. Hanna stated that at Shelbourne and Gibraltar, PennDOT wanted to put in an improvement and the Township did not want that. They would do their part. Mr. Peifer asked them to tell the Board which ones that included. Dr. Hanna replied that was in the report. Mr. Peifer stated that they wanted everything to be on record, so please state them. Dr. Hanna replied, "If feasible, construct a left turn lane on eastbound Boyertown Pike approaching to Ritter Road". Mr. Ruff stated that was one of the things we wanted to see in the preliminary sketches for approval from PennDOT. Dr. Hanna replied that PennDOT would not give commitment to any of them. Mr. Schwartz replied that we got a commitment from Wal-Mart. Mr. Koch stated that was a preliminary concept plan. Mr. Schwartz replied that was what we were looking for. Dr. Hanna stated that the second item was "optimize signal timings at the intersection of Boyertown Pike and Shelbourne/Oley Turnpike Rd.". Next was "provide additional signage and pavement markings to enhance and clearly delineate the travel lanes on Ritters Road, widen Ritters Road, increase radius and if feasible increase radius on northwest corner of Boyertown Pike and Ritters Road to facilitate the traffic". He then stated that they were the improvements that they would do prior to opening the school. Mr. Schwartz replied not if PennDOT would not let them, that was the problem. Mr. Koch stated that they should go to PennDOT along with a representative of the Township to present a concept plan and if PennDOT said "no way", that was what the Township was looking for. Dr. Hanna asked if a letter from PennDOT was what they were looking for at the next meeting.

Mr. Schwartz replied that he did not feel they would get a letter, but if we had our representative there and would attest to it, that was what we were looking for. The Planning Commission agreed. Mr. Koch stated that he was prepared to tender a time extension, it was not a six-month extension, but it was until January 22, 2007 that would get them one more meeting and two Supervisors meetings so they could keep the project moving. He then withdrew their application for Conditional Preliminary approval and asked that Mr. Schwartz withdraw his motion to reject the plan and that the Planning Commission recommends the Board of Supervisors accept the time extension.

**MOTION BY** Mr. Schwartz to withdraw his motion and Mr. Littlehales withdraw his second. The motion carried unanimously.

**MOTION BY** Mr. Ruff, seconded by Mr. Littlehales to recommend the Board of Supervisors accept the time extension to January 22, 2007 for Central Catholic High School Preliminary Plan. The motion carried unanimously.

Mr. Wilson stated that he wanted to make one final comment. It had gotten back to him from a few people that the Central Catholic people had said that the reason the Commission was dragging its feet was because we were anti-Catholic. The Exeter School District, who planned to build on the site on the other side, would jump through the same hoops. We were not opposed to the school; we were looking out for what was best for the neighborhood and Exeter Township. The Superintendent of the School stated, on behalf of the Diocese, that

### **Central Catholic continued**

was not the position of the Diocese or the administration of Central Catholic High School. If individuals supporting the school said that, then accept our apologies on their behalf. Please know that administratively it was not their position, today and never had been.

### **5. ZONING ORDINANCE CHANGES**

Mr. Bittig stated that he incorporated the comments from Mr. Hartman's letter for section 408.1 D and other items. In Section 408.2 we needed to add no more than three uses would be allowed in a single building or lot. Mr. Hartman agreed that would take care of the concern of having a strip mall. The Planning Commission agreed to three. Other items were changed to match Mr. Hartman's review. Mr. Hartman stated that any items concerning lighting should be removed completely from the Zoning Ordinance since we have a stand alone Lighting Ordinance. The Planning Commission agreed. Mr. Peifer stated that with inserting educational use, we would need to provide a definition for that. Mr. Bittig stated that we needed to add "cemetery" in the RC zone as a special exception. Mr. Peifer stated that parking standards should apply to everything in the ordinance. The Planning Commission agreed to use the one definition provided by GVC for Gross Leasable area. Mr. Hartman stated that concerning adaptive reuse, we should add a date on structures so as not to have conflict. He would review that Section and get back to us. Mr. Bittig stated that we had two letters from the Board of Supervisors; the first was to change the size of the parking spaces. The second letter was to reduce the open space requirements in the Highway Commercial Zone from 25% to 15%. Another letter stated that they wanted to get rid of the buffer strips every 15 spaces. Our role was to look for what was best for the Township. Mr. Schwartz stated that if the Board of Supervisors wanted to change those types of things, then we needed to have a discussion with them.

**MOTION BY** Mr. Schwartz, seconded by Mr. Littlehales to send a letter to the Board of Supervisors stating that we received the letters dated November 1<sup>st</sup> and October 18<sup>th</sup> and while they were very interesting we did not understand their thought process and we could not take action until these items were discussed with us and the EAC. The motion carried unanimously.

Mr. Schwartz stated that we understood that we were advisory. He further stated that the Board of Supervisors could change zoning requirements but to ask us to arbitrarily propose changes without a rationale was inappropriate. Mr. Bittig stated that they were allowed to formulate proposed changes to the Zoning Ordinance. They were obligated to send them to us for review for our comment, but they could do changes by themselves.

### **6. LIGHTING ORDINANCE WAIVER REQUEST – VALHALLA GYM – Pat Dolan**

Mr. Dolan stated that, in response to the meeting last month, they had a formal request for a waiver from the Lighting Ordinance to up light the building. Mr. Littlehales asked if had changed from what they discussed last month. Mr. Dolan replied no, it had not.

**MOTION BY** Mr. Ruff, seconded by Mr. Shane to recommend the Board of Supervisors approve the waiver of Lighting Ordinance Section 6.B.3 and allow the up lighting the facade of the building as discussed at the last Planning Commission meeting. The motion failed to carry with Mr. Wilson, Mr. Ruff voting in favor and Mrs. Geiger, Mr. Schwartz, Mr. Littlehales, Mr. Bittig, Mr. Shane voting opposed.

### **Valhalla Gym waiver request**

Mr. Dolan stated that at last months meeting he was told a waiver was not needed and was approved by the Planning Commission, so they installed the lighting and then found out that a waiver was needed.

Mrs. Franckowiak stated that was correct. Last month the Planning Commission said it was ok and that a waiver was not needed. Then after Mr. Dolan left, Mr. Schwartz found the section that said a waiver was needed. Now he was returning to make things right as he left last month with an approval. Mr. Littlehales stated that it would be best if glare shields were added. Mr. Dolan replied that they were doing that as recommended at the last meeting.

**MOTION BY** Mr. Schwartz, seconded by Mr. Shane to rescind the previous motion based on the fact that Mr. Dolan was advised at the last meeting that a waiver was not needed and later developments after he left showed that was not the case and they installed the lights. There were no grounds on which to deny the waiver. He then recommended that the Board of Supervisors approve the waiver of the Lighting Ordinance Section 6.B.3 and allow up lighting the facade of the building. The motion carried unanimously.

**7. WAL-MART SUPERCENTER #1777 – FINAL PLAN** - Todd Steiger - Todd Ostimchuk  
- Henry Koch, Jr.

GVC reviewed the Wal-Mart Super Center #1777 Final Plan (reference letter dated October 30, 2006).

Mr. Koch stated that the only bold items in the review letter was the word bold, so they were requesting a Conditional Final Plan approval subject to Soil and Conservation District approval, the HOP and subject to the matters outstanding in GVC review letter dated October 30, 2006. Mr. Bittig asked about the Fire Marshal comments. Mr. Koch replied that they had addressed those. Mr. Bittig asked about the ingress and egress to Wal-Mart and he assumed that Mr. Maize looked at what was being done. Mr. Peifer replied that he did not know if Wal-Mart made an official submission to PennDOT for the changes. Mr. Ostimchuk stated that they had a meeting scheduled at the end of the week. He showed the changes that they were proposing to the plan.

Mr. Schwartz stated that from day one we were concerned with the other businesses on the corner and right now they were suffering and this could make it significantly worse. Mr. Koch stated that if they had an approval from PennDOT for the HOP that should help. Mr. Schwartz replied that PennDOT had no interest in the other businesses. Mr. Ostimchuk stated that they did, any changes that would be made in front of those sites they would have to sign a release or indemnify. Mr. Koch stated that now we need to get their approval to the change; if we did not get the approval the regulations provided that we must indemnify PennDOT from any action those property owners bring because of that change. It further stated that whoever signed it personally guaranteed it. Mr. Littlehales stated that he would prefer to see a no right turn on red for westbound traffic at the intersection to help people to pull out of the driveways for those businesses located there. Mr. Ruff stated that he would like to see a timed delay for the light for a left turn from Rt422 onto Lincoln Road to also aid with that problem. Mr. Koch stated that they could provide those comments to PennDOT during their meetings. Mr. Ostimchuk stated that the Township was the applicant for the HOP so we would have a forum to discuss that.

**MOTION BY** Mr. Littlehales, seconded by Mr. Ruff to recommend the Board of Supervisors grant conditional approval to the Wal-Mart Supercenter #1777 subject to Soil and Erosion plan approval, HOP approval asking for no right turn on red and timed delay for the light for a westbound left turn from Rt422 onto Lincoln Road, include discussions with the three business owners on that corner and all other outstanding issues in the GVC October 30, 2006 review letter being resolved. The motion carried with Mr. Littlehales, Mrs. Geiger, Mr. Bittig, Mr. Shane, Mr. Ruff voting in favor and Mr. Schwartz and Mr. Wilson voting opposed.

**8. BERKSHIRE BANK – FINAL PLAN**

GVC reviewed the Berkshire Bank Final Plan (reference letter dated October 11, 2006).

No one was present to present the plan.

**9. EXETER GOLF CLUB ESTATES LOTS 53-54 – SKECTH PLAN OF RECORD**

GVC reviewed the Exeter Golf Club Estates Lots 53-54 Sketch Plan of Record (reference letter dated October 27, 2006).

No one was present to present the plan.

**GENERAL DISCUSSION**

Mr. Wilson reminded the Planning Commission that the next scheduled meeting was Tuesday, December 5, 2006.

**ADJOURNMENT**

**MOTION BY** Mr. Littlehales, seconded by Mr. Schwartz, to adjourn the November 1, 2006 meeting of the Exeter Township Planning Commission at 11:22pm. The motion carried unanimously.

Respectfully Submitted,

John F. Ruff, Jr., PE  
Planning Commission Secretary

lrc

Correspondence to:

BOS: Costica Ciocoiu plan rejection  
BOS: Valhalla waiver request  
BOS: Time Extensions  
BOS: Wal-Mart Final Plan  
BOS: Zoning Letter